



**Michelle Lujan Grisham**  
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**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

Original via FedEx-Copy via Electronic Mail

November 19, 2019

Mr. Charles Maguire, Director  
Water Quality Protection Division (6WD)  
U. S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, Texas 75202

**Re: State Certification**

Dear Mr. Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit NM0020311, City of Roswell WWTP.

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notices/> on October 4, 2019. The NMED public comment period ended on November 4, 2019. NMED did not receive any comments.

Sincerely,

/s/Shelly Lemon

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

cc: (w/ enclosures)

Ms. Evelyn Rosborough, USEPA (6WDPN) via e-mail

Mr. Brent Larsen, USEPA (6WDPE) via e-mail

Nicole Young, USEPA (6WDPE) via e-mail

Mr. Daniel Mendiola

City of Roswell

P.O Box 1838

Roswell, NM 88202-1938

Mr. Ken Mc Queen, Regional Administrator  
Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75202

November 19, 2019

**STATE CERTIFICATION**

RE: City of Roswell – NM0020311

Dear Mr. McQueen:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ ( ) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)
- ☐ ( ) denies certification for the reasons stated in the attachment
- ☐ ( ) waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

/s/Shelly Lemon

Shelly Lemon  
Bureau Chief  
Surface Water Quality Bureau

**City of Roswell**  
**State Comments on the Proposed NPDES Permit**  
**NM0020311**  
**November 19, 2019**

The following revisions are necessary to ensure that discharges allowed under the National Pollutant Discharge Elimination System (NPDES) permit protect State of New Mexico water quality standards (WQS) adopted in accordance with §303 of the Clean Water Act (CWA) and the New Mexico Water Quality Act [NMSA 1978, §§ 74-6-1 to -17]. State of New Mexico (State) WQS are published in the document entitled Standards for Interstate and Intrastate Surface Waters, New Mexico Water Quality Control Commission (WQCC), 20.6.4 New Mexico Administrative Code (NMAC) as amended by the WQCC and approved by the United States Environmental Protection Agency (EPA or USEPA) as of August 11, 2017.

NPDES regulations at 40 CFR 122.44(d)(1)(i) require that permit *limitations must control all pollutants or pollutant parameters... which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard...*

**Conditions of Certification:**

1. none

**Comments that are not Conditions of Certification:**

1. On the Permit Cover Page in paragraph 1, the first sentence should be revised as follows: .... Rio Hondo thence to Pecos River in the Pecos River Basin (Segment 20.6.4.206). NMED also recommends that EPA add the waterbody's assessment unit ID (AU-ID) of NM-2208\_26 for easier identification within other relevant CWA documents.
2. In the Permit – the Document Abbreviations should be revised as follows – POTW: ~~publically~~ **publicly** owned treatment works.
3. In the Permit on page 2 of 22 – Annual Pretreatment Report Measurement Frequency contains a reference to footnote 13 however this footnote is missing from the document.
4. In the Permit – footnote #9 should also require the permittee to submit expanded effluent testing results as a copy to NMED.